

**BEFORE THE DIRECTOR  
DEPARTMENT OF CONSUMER AFFAIRS  
BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
STATE OF CALIFORNIA**

In the Matter of the Petition to Revoke Probation  
Filed Against:

Case No.: 6574

**JANE ANN WORRELL**  
224 Calle Bolero  
Oceanside, CA 92057

**DEFAULT DECISION  
AND ORDER**

Vocational Nurse License No. VN 189541

Respondent.

Jane Ann Worrell ("Respondent") was served Petition to Revoke Probation No. 6574; Statement to Respondent; Notice of Defense form; copies of Government Code sections 11507.5, 11507.6 and 11507.7; and Request for Discovery by both first class and certified mail on October 8, 2008 and October 27, 2008 at her address of record as provided in sections 11503 and 11505 of the Government Code of the State of California.

Respondent failed to file a Notice of Defense within the time specified in Government Code section 11506.

The Bureau of Vocational Nursing and Psychiatric Technicians ("Bureau") has determined that Respondent has waived her rights to a hearing to contest the merits of the Petition to Revoke Probation and that the Bureau will take action on Petition to Revoke Probation without a hearing, pursuant to Government Code section 11520.

The Bureau makes the following findings of fact:

**FINDINGS OF FACT**

1. Teresa Bello-Jones, J.D., M.S.N., R.N., made and filed the Petition to Revoke Probation solely in her capacity as the Bureau's Executive Officer.

2. On October 7, 1999, the Bureau issued Vocational Nurse License Number VN 189541 to Respondent. Said license expired on January 31, 2007 and has not been renewed.

3. Pursuant to Business and Professions Code sections 101.1(b) and 150, the Department of Consumer Affairs has succeeded to and is vested with all duties, powers, purposes,

responsibilities and jurisdiction not otherwise repealed or made inoperative of the Bureau and its executive officer; that the department is under the control of the Director of Consumer Affairs.

4. Pursuant to Business and Professions Code section 2875, the Bureau may discipline any licensed vocational nurse for any reason provided in Article 3 of the Vocational Nursing Practice Act.

5. Pursuant to Business and Professions Code section 118(b), the expiration of a license shall not deprive the Bureau of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued, or reinstated. Under Business and Professions Code section 2892.1, the Bureau may renew an expired license at any time within four years after the expiration.

6. Respondent has subjected her probation to revocation in that Respondent failed to comply with the terms and conditions of the Probation Program established by the Bureau. Respondent failed to comply with probation terms #1, #2, #7, #9, #10, #13, and #15, as described in Petition to Revoke Probation No. 6574, a copy of which is attached as Exhibit "1" and incorporated by reference.

#### **DETERMINATION OF ISSUES**

Based on the foregoing Findings of Fact, Respondent has subjected her probation to revocation for failure to comply with the terms and conditions of the Probation Program established by the Bureau.

#### **LOCATION OF RECORD**

The record on which this Default Decision is based is located at the Sacramento office of the Bureau of Vocational Nursing and Psychiatric Technicians.

#### **ORDER**

**WHEREFORE**, the Bureau of Vocational Nursing and Psychiatric Technicians makes the following order:

Vocational Nurse License Number VN 189541 authorizing Respondent to act as a vocational nurse is hereby revoked.

Respondent shall have the right to petition for reinstatement of the aforesaid license

1 pursuant to the provision of section 2878.7(a)(1) of the Business and Professions Code.

2 Respondent shall not be deprived of making any further showing by way of  
3 mitigation; however, such showing must be made directly to the Bureau of Vocational Nursing and  
4 Psychiatric Technicians, 2535 Capitol Oaks Drive, Suite 205, Sacramento, California, 95833 prior to  
5 the effective date of this Decision.

6 This Default Decision shall become effective on February 8, 2009

7 Dated and signed December 30, 2008

8  
9  
10 *P. J. Harris*

11 PATRICIA HARRIS

12 Deputy Director, Board/Bureau Support  
13 Department of Consumer Affairs  
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27 Attachments: Exhibit "I", Petition to Revoke Probation No. 6574 and Declarations of Service  
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Exhibit "1"  
Petition to Revoke Probation No. 6574 and Declarations of Service

OCT 08 2008

Board of Vocational Nursing  
and Psychiatric Technicians

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Attorneys for Complainant

BEFORE THE  
DEPARTMENT OF CONSUMER AFFAIRS  
FOR THE BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC  
TECHNICIANS  
STATE OF CALIFORNIA

In the Matter of the Petition to Revoke Probation  
Against:

Case No. 6574

JANE WORRELL  
A.K.A. JANE ANN WORRELL  
3134 Gardendale Drive  
San Jose, California 95118  
Vocational Nurse License No. VN 189541

**PETITION TO REVOKE  
PROBATION**

Respondent.

Complainant alleges:

**PARTIES**

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Petition to Revoke Probation solely in her official capacity as the Executive Officer of the Bureau of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about October 7, 1999, the Board of Vocational Nursing and Psychiatric Technicians issued Vocational Nurse License Number VN 189541 to Jane Worrell, also known as Jane Ann Worrell, (Respondent). The Vocational Nurse License expired on January 31, 2007, and has not been renewed.

3. In a disciplinary action entitled "In the Matter of the Accusation Against Jane Worrell," Case No. 6574, the Board of Vocational Nursing and Psychiatric Technicians,

1 issued a decision, effective September 23, 2005, in which Respondent's vocational nurse license  
2 was revoked. However, the revocation was stayed and Respondent's vocational nurse license  
3 was placed on probation for a period of three (3) years with certain terms and conditions. A copy  
4 of that decision is attached as Exhibit A and is incorporated by reference.

#### 5 JURISDICTION

6 4. This Petition to Revoke Probation is brought before the Director of  
7 Consumer Affairs (Director)<sup>1/</sup> for the Bureau of Vocational Nursing and Psychiatric Technicians.

#### 8 FIRST CAUSE TO REVOKE PROBATION

##### 9 (Obey all Laws)

10 5. At all times after the effective date of Respondent's probation, Condition 1  
11 stated:

12 **Obey All Laws.** Respondent shall obey all federal, state and local laws, including  
13 all statutes and regulations governing the license. Respondent shall submit, in  
14 writing, a full and detailed account of any and all violations of the law to the  
15 Board within five (5) days of occurrence. To ensure compliance with this term,  
16 respondent shall submit two (2) completed fingerprint cards and the applicable  
17 fingerprint processing fees to the Board within thirty (30) days of the effective  
18 date of the decision, unless the Board determines that fingerprint cards were  
19 already submitted by Respondent as part of his/her licensure application process  
20 effective July 1, 1996. Respondent shall also submit a recent 2" x 2" photograph  
21 of himself/herself within thirty (30) days of the effective date of the decision.

22 6. Respondent's probation is subject to revocation because she failed to  
23 comply with Probation Condition 1, referenced above, by committing the following acts:

24 a. Respondent failed to notify the Board in writing, within five (5) days, that  
25 she was cited for violating Vehicle Code sections 12601.1(a) (drive while license  
26 suspended/revoked) and 16028(a) (failure to provide proof of insurance) on December 29, 2005.

27 b. Furthermore, on her October - December 2005 *Quarterly Report*,  
28 Respondent responded to the question "In this quarter have you been arrested or charged with a  
crime?" by answering "No, " when in truth and in fact, Respondent had been charged with a

1. Pursuant to Business and Professions Code section 101.1(b), on July 1, 2008, the  
Director became vested with the duties, power, purposes, responsibilities, and jurisdiction of  
the Board of Vocational Nursing and Psychiatric Technicians.

1 crime, as set forth above. Respondent signed the report under penalty of perjury on January 6,  
2 2006.

3 c. Respondent failed to inform the Board in writing, within five (5)  
4 days, that on March 27, 2006, she pled guilty and was convicted of violating Vehicle Code  
5 section 12500(a) (drive without valid license).

6 d. Furthermore, on her January - March 2006 *Quarterly Report*,  
7 Respondent responded to the question "In this quarter have you been convicted of a crime?" by  
8 answering "No," when in truth and in fact, Respondent had been convicted of a crime on March  
9 27, 2006, as set forth above. Respondent signed the report under penalty of perjury on April 4,  
10 2006.

## 11 SECOND CAUSE TO REVOKE PROBATION

### 12 (Compliance with Probation Program and Quarterly Reports)

13 7. At all times after the effective date of Respondent's probation, Condition 2  
14 stated:

15 **Compliance With Probation Program And Quarterly Report**  
16 **Requirements.** Respondent shall fully comply with terms and conditions  
17 of the probation established by the Board and shall cooperate with the  
representatives of the Board in its monitoring and investigation of the  
Respondent's compliance with the Probation Program.

18 Respondent shall submit quarterly reports, under penalty of perjury, in a form  
19 required by the Board. The reports shall certify and document compliance with all  
the conditions of probation.

20 8. Respondent's probation is subject to revocation because she failed to  
21 comply with Probation Condition 2, referenced above, by committing the following acts:

22 a. Respondent failed to submit *Quarterly Written Reports* as required by  
23 Condition 2, certifying and documenting her compliance with all conditions of probation for the  
24 following periods:

25 <u>Reporting Period</u>	<u>Due Date</u>	<u>Date Received</u>
26 October - December 2007	January 7, 2008	None Received

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b. Respondent failed to submit in a timely manner the following *Quarterly Written Reports*:

<u>Reporting Period</u>	<u>Due Date</u>	<u>Date Received</u>	<u>Days Delinquent</u>
January - March 2006	April 7, 2006	April 15, 2006	8
April - June 2006	July 7, 2006	December 15, 2006	161
July - September 2006	October 7, 2006	October 10, 2006	3
July - September 2007	October 7, 2007	October 9, 2007	2
January - March 2008	April 7, 2008	April 14, 2008	7
April - June 2008	July 7, 2008	August 11, 2008	31

### **THIRD CAUSE TO REVOKE PROBATION**

#### **(Employment Requirements and Limitations)**

9. At all times after the effective date of Respondent's probation, Condition 7 stated, in pertinent part:

**Employment Requirements And Limitations.** During probation, Respondent shall work in his/her licensed capacity in the State of California. This practice shall consist of no less than six (6) continuous months and of no less than twenty (20) hours per week.

10. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 7, referenced above, by not working in her licensed capacity for no less than six (6) continuous months and no less than twenty (20) hours per week.

### **FOURTH CAUSE TO REVOKE PROBATION**

#### **(Completion of Educational Course(s))**

11. At all times after the effective date of Respondent's probation, Condition 9 stated:

**Completion of Educational Course(s).** Respondent, at his or her own expense, shall enroll and successfully complete a course(s) substantially related to the violation(s) no later than the end of the first year of probation; or Respondent shall be suspended from practice, until he or she has enrolled in and has successfully completed the specified coursework.

The coursework shall be in addition to that required for license renewal. The Board shall notify Respondent of the course content and number of contact hours required. Within thirty (30) days of the Board's written notification of assigned coursework, Respondent shall submit a written plan to comply with this requirement. The Board shall approve such plan prior to enrollment in any course of study.



1 Upon successful completion of the course, Respondent shall cause the instructor  
2 to furnish proof to the Board within thirty (30) days of course completion.

3 12. Respondent's probation is subject to revocation because she failed to  
4 comply with Probation Condition 9, referenced above, by not completing the remedial  
5 education assignment assigned to her within the first year of probation. The Board assigned  
6 two (2) thirty contact courses as her probation education requirement. In its March 13, 2006  
7 letter, the Board reaffirmed that she must complete both courses by September 22, 2006.  
8 Respondent completed the courses on December 12, 2006, eighty-one (81) days past the due  
9 date.

#### 10 **FIFTH CAUSE TO REVOKE PROBATION**

##### 11 **(Maintenance of Valid License)**

12 13. At all times after the effective date of Respondent's probation, Condition  
13 10 stated:

14 **Maintenance of Valid License.** Respondent shall, at all times while on  
15 probation, maintain an active current license with the Board, including any  
16 period during which suspension or probation is tolled.

17 Should respondent's license, by operation of law or otherwise, expire,  
18 upon renewal or reinstatement respondent's license shall be subject to any  
19 and all terms of this probation not previously satisfied.

20 14. Respondent's probation is subject to revocation because she failed to  
21 comply with Probation Condition 10, referenced above, by not maintaining her license in a  
22 current active status as required. The license expired on January 31, 2007, and has not been  
23 renewed.

#### 24 **SIXTH CAUSE TO REVOKE PROBATION**

##### 25 **(Cost Recovery)**

26 15. At all times after the effective date of Respondent's probation, Condition  
27 13 stated, in pertinent part:

28 **Cost Recovery.** Respondent shall reimburse the Board its costs of investigation  
and enforcement in the amount of \$6,600.00. Said payment shall be made in  
equal monthly installments of \$183.00. The first such installment shall be due  
on or before the effective date of decision. Full payment shall be completed  
during the first thirty six (36) months of probation.

1           16.     Respondent's probation is subject to revocation because she failed to  
2 comply with Probation Condition 13, referenced above, by not reimbursing the Board for its  
3 costs of investigation and enforcement in this matter in the amount of \$6,600.00. The Board  
4 ordered her to submit monthly payments of \$183.00. Respondent submitted five payments  
5 totaling \$957.00 over the past thirty months. The current balance due to the Bureau is  
6 \$5,643.00.

7                           **SEVENTH CAUSE TO REVOKE PROBATION**

8                           **(Chemical Dependency Support/Recovery Groups)**

9           17.     At all times after the effective date of Respondent's probation, Condition  
10 15 stated:

11                   **Chemical Dependency Support/recovery Groups.** Within five (5) days of the  
12 effective date of the Decision, Respondent shall begin attendance at a chemical  
13 dependency support group (e.g. Alcoholics Anonymous, Narcotics Anonymous,  
14 Nurse Support Group). Verified documentation of attendance shall be  
submitted by the Respondent with each quarterly report. Respondent shall  
continue attendance in such a group for the duration of probation.

15           18.     Respondent's probation is subject to revocation because she failed to  
16 comply with Probation Condition 15, referenced above, by committing the following acts:

17                   a.     Respondent failed to submit *Attendance Verification* forms documenting  
18 her attendance at support group meeting as follows:

<u>Reporting Period</u>	<u>Due Date</u>	<u>Date Received</u>
October - December 2007	January 7, 2008	None Received
January - March 2008	April 7, 2008	None Received

22                   b.     Respondent failed to submit the following *Attendance Verification* forms  
23 consistent with the scheduled due dates:

<u>Reporting Period</u>	<u>Due Date</u>	<u>Date Received</u>	<u>Days Delinquent</u>
January - March 2006	April 7, 2006	April 15, 2006	8
April - June 2006	July, 7, 2006	December 15, 2006	161
July - September 2006	October 7, 2006	October 10, 2006	3
July - September 2007	October 7, 2007	October 9, 2007	2

28 //

1 PRAYER


2 WHEREFORE, Complainant requests that a hearing be held on the matters  
3 herein alleged, and that following the hearing, the Director of Consumer Affairs issue a  
4 decision:

5 1. Revoking the probation that was granted by the Board of Vocational  
6 Nursing and Psychiatric Technicians in Case No. 6574 and imposing the disciplinary order that  
7 was stayed thereby revoking Vocational Nurse License No. VN 189541 issued to Jane Worrell,  
8 also known as Jane Anne Worrell, (Respondent).

9 2. Revoking or suspending Vocational Nurse License No. VN 189541,  
10 issued to Respondent; and

11 3. Taking such other and further action as deemed necessary and proper.

12  
13 DATED: October 8, 2008.

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16   
17 TERESA BELLO JONES, J.D., M.S.N., R.N.  
18 Executive Officer  
19 Bureau of Vocational Nursing and Psychiatric  
20 Technicians  
21 Department of Consumer Affairs  
22 State of California  
23 Complainant

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**Exhibit A**  
**Decision and Order**  
**Board of Vocational Nursing and Psychiatric Technicians Case No. 6574**

BEFORE THE  
BOARD OF VOCATIONAL NURSING  
AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation  
Against:

Case No. 6574

JANE WORRELL  
3199 Gavota Avenue  
San Jose, CA 95124

Vocational Nurse License No. VN 189541

Respondent.

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on September 23, 2005.

IT IS SO ORDERED this 24<sup>th</sup> day of August, 2005.

*Sister Marie de Porres Taylor*

Sister Marie de Porres Taylor  
President



1 BILL LOCKYER, Attorney General  
of the State of California  
2 RONALD A. CASINO, State Bar No. 70410  
Deputy Attorney General  
3 California Department of Justice  
110 West "A" Street, Suite 1100  
4 San Diego, CA 92101

5 P.O. Box 85266  
San Diego, CA 92186-5266  
6 Telephone: (619) 645-2068  
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

9 **BEFORE THE**  
**BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 6574

13 JANE ANN WORRELL  
1736 Foxworthy Avenue  
14 San Jose, CA 95124

OAH No. L-2004030191

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 Vocational Nurse License No. VN 189541

16 Respondent.

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
19 above-entitled proceedings that the following matters are true:

20 PARTIES

21 1. Teresa Bello-Jones, J.D., M.S.N., R.N., is the Executive Officer of the  
22 Board of Vocational Nursing and Psychiatric Technicians. She brought this action solely in her  
23 official capacity and is represented in this matter by Bill Lockyer, Attorney General of the State  
24 of California, by Ronald A. Casino, Deputy Attorney General.

25 2. Respondent is represented in this proceeding by attorney Robert N. Dunn,  
26 Esq., whose address is 74-090 El Paseo, Suite 208, Palm Desert, Ca. 92260.

27 3. On or about October 7, 1999, the Board of Vocational Nursing and  
28 Psychiatric Technicians issued Vocational Nurse License No. VN 189541 to Jane Ann Worrell

1 (Respondent). The license will expire on January 31, 2007, unless renewed.

2 4. Accusation No. 6574 was filed before the Board of Vocational Nursing  
3 and Psychiatric Technicians ("Board") on September 19, 2003. The Accusation, together with all  
4 other statutorily required documents, was duly served on Respondent on September 19, 2003,  
5 and Respondent timely filed her Notice of Defense contesting the Accusation. A copy of  
6 Accusation No. 6574 is attached as Exhibit A and incorporated herein by reference.

7 ADVISEMENT AND WAIVERS

8 5. Respondent has carefully read, fully discussed with counsel, and  
9 understands the charges and allegations in Accusation No. 6574. Respondent has also carefully  
10 read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
11 Disciplinary Order.

12 6. Respondent is fully aware of her legal rights in this matter, including the  
13 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
14 counsel at her own expense; the right to confront and cross-examine the witnesses against her;  
15 the right to present evidence and to testify on her own behalf; the right to the issuance of  
16 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
17 reconsideration and court review of an adverse decision; and all other rights accorded by the  
18 California Administrative Procedure Act and other applicable laws.

19 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
20 each and every right set forth above.

21 CULPABILITY

22 8. Respondent admits the truth of each and every charge and allegation in  
23 Accusation No. 6574.

24 9. Respondent agrees that her Vocational Nurse License is subject to  
25 discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the  
26 Disciplinary Order below.

27 RESERVATION

28 10. The admissions made by Respondent herein are only for the purposes of

1 this proceeding, or any other proceedings in which the Board or other professional licensing  
2 agency is involved, and shall not be admissible in any other criminal or civil proceeding.

### 3 CONTINGENCY

4 11. This stipulation shall be subject to approval by the Board of Vocational  
5 Nursing and Psychiatric Technicians. Respondent understands and agrees that counsel for  
6 Complainant and the staff of the Board of Vocational Nursing and Psychiatric Technicians may  
7 communicate directly with the Board regarding this stipulation and settlement, without notice to  
8 or participation by Respondent or her counsel. By signing the stipulation, Respondent  
9 understands and agrees that she may not withdraw her agreement or seek to rescind the  
10 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this  
11 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of  
12 no force or effect. Except for this paragraph, it shall be inadmissible in any legal action between  
13 the parties, and the Board shall not be disqualified from further action by having considered this  
14 matter.

15 12. The parties understand and agree that facsimile copies of this Stipulated  
16 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
17 force and effect as the originals.

18 13. In consideration of the foregoing admissions and stipulations, the parties  
19 agree that the Board may, without further notice or formal proceeding, issue and enter the  
20 following Disciplinary Order.

### 21 DISCIPLINARY ORDER

22 A. IT IS HEREBY ORDERED that Vocational Nurse License No. VN  
23 189541 issued to Respondent Jane Ann Worrell is revoked. However, the above revocation is  
24 stayed, and Respondent is placed on probation for three (3) years on the following terms and  
25 conditions.

26 **Severability Clause.** Each condition of probation contained herein is a separate  
27 and distinct condition. If any condition of this Order, or any application thereof, is declared  
28 unenforceable in whole, or in part, or to any extent, the remainder of this Order, and all other



1 applications thereof, shall not be affected. Each condition of this Order shall separately be valid  
2 and enforceable to the fullest extent permitted by law.

3 1. **OBEY ALL LAWS**

4 Respondent shall obey all federal, state and local laws, including all statutes and  
5 regulations governing the license. Respondent shall submit, in writing, a full and detailed  
6 account of any and all violations of the law to the Board within five (5) days of  
7 occurrence. To ensure compliance with this term, respondent shall submit two (2)  
8 completed fingerprint cards and the applicable fingerprint processing fees to the  
9 Board within thirty (30) days of the effective date of the decision, unless the Board  
10 determines that fingerprint cards were already submitted by the Respondent shall  
11 also submit a recent 2" x 2" photograph of himself/herself within thirty (3) days of  
12 the effective date of the decision.

13 2. **COMPLIANCE WITH PROBATION PROGRAM AND**  
14 **QUARTERLY REPORT REQUIREMENTS**

15 Respondent shall fully comply with terms and conditions of the probation  
16 established by the Board and shall cooperate with the representatives of the Board  
17 in its monitoring and investigation of the Respondent's compliance with the  
18 Probation Program.

19 Respondent shall submit quarterly reports, under penalty of perjury, in a  
20 form required by the Board. The reports shall certify and document compliance  
21 with all the conditions of probation.

22 3. **NOTIFICATION OF ADDRESS AND TELEPHONE**  
23 **NUMBER CHANGE(S)**

24 Respondent shall notify the Board, in writing, within five (5) days of a  
25 change of residence or mailing address, of his/her new address and any change  
26 in his/her work and/or home telephone numbers.

27 4. **NOTIFICATION OF RESIDENCY OR PRACTICE**  
28 **OUTSIDE OF STATE**

Respondent shall notify the Board, in writing, within five (5) days, if  
he/she leaves California to reside or practice in another state.

Respondent shall notify the Board, in writing, within five (5) days,  
upon his/her return to California.

The period of probation shall not run during the time Respondent is  
residing or practicing outside California.

5. **NOTIFICATION TO EMPLOYER(S)**

When currently employed or applying for employment in any capacity  
in any health care profession, Respondent shall notify his/her employer of the  
probationary status of Respondent's license. This notification to the Respondent's

1 current health care employer shall occur no later than the effective date of the  
2 Decision. The respondent shall notify any prospective health care employer  
3 of his/her probationary status with the Board prior to accepting such employment.  
This notification shall be providing the employer or prospective employer with  
a copy of the Board's Accusation and Disciplinary Decision.

4 The Health Care Profession includes, but is not limited to: Licensed  
5 Vocational Nurse, Psychiatric Technician, Registered Nurse, Medical Assistant,  
Paramedic, Emergency Medical Technician, Certified Nursing Assistant, Home  
6 Health Aide, and all other ancillary technical health care positions.

7 Respondent shall cause each health care employer to submit quarterly  
8 reports to the Board. The reports shall be on a form provided by the Board,  
shall include a performance evaluation and such other information as may be  
required by the Board.

9 Respondent shall notify the Board, in writing, within five (5) days of any  
10 change in employment status. Respondent shall notify the Board, in writing,  
if he/she is terminated from any nursing or health care related employment with  
11 a full explanation of the circumstances surrounding the termination.

#### 12 6. INTERVIEWS/MEETINGS WITH BOARD REPRESENTATIVE(S)

13 Respondent, during the period of probation, shall appear in person at  
interviews/meetings as directed by the Board, or its designated representatives.

#### 14 7. EMPLOYMENT REQUIREMENTS AND LIMITATIONS

15 During probation, the Respondent shall work in his/her licensed capacity  
16 in the State of California. This practice shall consist of no less than six (6) continuous  
months and of no less than twenty (20) hours per week.

17 While on probation, Respondent shall not work for a nurses' registry  
18 or in any private duty position, a temporary nurse placement agency, as a  
faculty member in an accredited or approved school of nursing, or as an  
19 instructor in a Board approved continuing education course except as  
approved, in writing, by the Board. Respondent shall work only on a  
20 regularly assigned, identified and predetermined work site(s) and shall not work  
in a float capacity except as approved, in writing, by the Board.

#### 21 8. SUPERVISION REQUIREMENTS

22 Respondent shall obtain prior approval from the Board, before  
23 commencing any employment, regarding the level of supervision  
provided to the respondent while employed as a licensed vocational  
24 nurse or psychiatric technician.

25 Respondent shall not function as a charge nurse (i.e., work in  
any healthcare setting as the person who oversees or directs licensed  
26 vocational nurses, psychiatric technicians, certified nursing assistants  
or unlicensed assistive personnel) or supervising psychiatric technician  
27 during the period of probation except as approved, in writing, by the  
Board.

28 ///

1                   9.     COMPLETION OF EDUCATIONAL COURSE(S)

2                   Respondent, at his or her own expense, shall enroll and successfully  
3                   complete a course(s) substantially related to the violation(s) no later than  
4                   the end of the first year of probation; or the Respondent shall be suspended  
5                   from practice, until he or she has enrolled in and has successfully completed  
6                   the specified coursework.

7                   The coursework shall be in addition to that required for license  
8                   renewal. The Board shall notify the Respondent of the course content  
9                   and number of contact hours required. Within thirty (30) days of the  
10                  Board's written notification of assigned coursework, Respondent shall  
11                  submit a written plan to comply with this requirement. The Board shall  
12                  approve such plan prior to enrollment in any course of study.

13                 Upon successful completion of the course, Respondent shall cause  
14                 the instructor to furnish proof to the Board within thirty (30) days of  
15                 course completion.

16                 10.    MAINTENANCE OF VALID LICENSE

17                 Respondent shall, at all times while on probation, maintain an active current  
18                 license with the Board, including any period during which suspension or probation  
19                 is tolled.

20                 Should respondent's license, by operation of law or otherwise, expire,  
21                 upon renewal or reinstatement respondent's license shall be subject to any  
22                 and all terms of this probation not previously satisfied.

23                 11.    COST RECOVERY REQUIREMENTS

24                 Where an order for recovery of costs is made, the Respondent shall  
25                 make timely payment as directed in the Board's Decision pursuant to  
26                 Business and Professions Code Section 125.3. Failure to make payments  
27                 in accordance with any formal agreement entered into with the Board or  
28                 pursuant to any Decision by the Board shall be considered a violation of  
29                 probation.

30                 The Board may conditionally renew or reinstate, for a maximum of  
31                 one year, the license of any respondent who demonstrates financial hardship.  
32                 The Respondent shall enter into a formal agreement with the Board to  
33                 reimburse the unpaid costs within that one year period.

34                 Except as provided above, the Board shall not renew or reinstate  
35                 the license of any Respondent who has failed to pay all the costs as  
36                 directed in a Decision.

37                 12.    VIOLATION OF PROBATION

38                 If the Respondent violates the conditions of his/her probation, the Board  
39                 after giving the Respondent notice and an opportunity to be heard, may set  
40                 aside the stay order and impose the stayed discipline (revocation/suspension)  
41                 of the Respondent's license. If during the period of probation, an accusation  
42                 or petition to revoke has been filed against the Respondent's license or the

1 Attorney General's Office has been requested to prepare an accusation or  
2 petition to revoke probation against the Respondent's license, the probationary  
3 period shall automatically be extended and shall not expire until the accusation  
or petition has been acted upon by the Board. Upon successful completion of  
probation, the Respondent's license will be fully restored.

#### 4 13. COST RECOVERY

5 Respondent shall reimburse the Board its costs of investigation and enforcement  
6 in the amount of \$ 6,600.00. Said payment shall be made in equal monthly  
installments of \$183.00. The first such installment shall be due on or before the effective date of  
7 this decision. Full payment shall be completed during the first thirty six (36) months of  
probation.

#### 8 14. REHABILITATION PROGRAM

9 Within thirty (30) days of the effective date of the Decision, Respondent shall  
10 enter a rehabilitation and monitoring program specified by the Board. Respondent  
shall successfully complete such treatment contract as may be recommended by  
11 the program and approved by the Board.

12 Components of the treatment contract shall be relevant to the violation and  
to the respondent's current status in recovery or rehabilitation. The components may  
13 include, but are not limited to: restrictions on practice and work setting, random  
bodily fluid testing, abstention from drugs and alcohol, use of work site monitors,  
14 participation in chemical dependency rehabilitation programs or groups, psychotherapy,  
counseling, psychiatric evaluations and other appropriate rehabilitation or monitoring  
15 programs. The cost for participation in this program shall be paid by the Respondent.

#### 16 15. CHEMICAL DEPENDENCY SUPPORT/RECOVERY GROUPS

17 Within five (5) days of the effective date of the Decision, Respondent  
shall begin attendance at a chemical dependency support group (e.g. Alcoholics  
18 Anonymous, Narcotics Anonymous, Nurse Support Group). Verified  
documentation of attendance shall be submitted by the Respondent with each  
19 quarterly report. Respondent shall continue attendance in such a group for  
the duration of probation.

#### 20 16. ABSTAIN FROM CONTROLLED SUBSTANCES

21 Respondent shall completely abstain from the personal use or  
possession of controlled substances, as defined in the California Uniform  
22 Controlled Substances Act, and dangerous drugs as defined in Section 4021  
and 4022 of the Business and Professions Code, except when lawfully  
23 prescribed by a licensed practitioner for a bona fide illness.

#### 24 17. ABSTAIN FROM USE OF ALCOHOL

25 Respondent shall completely abstain from the use of alcoholic  
26 beverages during the period of probation.

#### 27 18. SUBMIT BIOLOGICAL FLUID SAMPLES

28 Respondent shall immediately submit to biological fluid  
testing, at Respondent's cost, upon request by the Board or its designee.

1 There will be no confidentiality in test results; positive test results will  
2 be immediately reported to the Board and the Respondent's current  
3 employer.

4 B. The allegations of Accusation No. 6574 are deemed admitted.

5 ACCEPTANCE

6 I have carefully read the above Stipulated Settlement and Disciplinary Order and  
7 have fully discussed it with my attorney, Robert N. Dunn, Esq.. I understand the stipulation and  
8 the effect it will have on my Vocational Nurse License. I enter into this Stipulated Settlement  
9 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
10 Decision and Order of the Board of Vocational Nursing and Psychiatric Technicians. I further  
11 agree that a facsimile copy of this Stipulated Settlement and Disciplinary Order, including  
12 facsimile copies of signatures, may be used with the same force and effect as the originals.

13 DATED: 3-22-05

14   
15 JANE ANN WORRELL  
Respondent

16 I have read and fully discussed with Respondent the terms and conditions and  
17 other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its  
18 form and content.

19 DATED: 3-22-05

20   
21 ROBERT N. DUNN, ESQ.  
22 Attorney for Respondent

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DATED: 3-22-05

*Ronald A. Casiro*  
RONALD A. CASIRO

Attorneys for Complainant

DQJ Matter ID: SD2001AD0609  
70014265.wpd

**Exhibit A**  
**Accusation No. 6574**



1 BILL LOCKYER, Attorney General  
of the State of California  
2 RONALD A. CASINO, State Bar No. 70410  
Deputy Attorney General  
3 California Department of Justice  
110 West "A" Street, Suite 1100  
4 San Diego, CA 92101  
5 P.O. Box 85266  
San Diego, CA 92186-5266  
6 Telephone: (619) 645-2068  
Facsimile: (619) 645-2061  
7 Attorneys for Complainant

8  
9 **BEFORE THE**  
10 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 6574

13 JANE ANN WORRELL

**A C C U S A T I O N**

14 1736 Foxworthy Ave.

15 San Jose, CA 95124

16 Vocational Nurse License No. VN 189541

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this  
21 Accusation solely in her official capacity as the Executive Officer of the Board of Vocational  
22 Nursing and Psychiatric Technicians, Department of Consumer Affairs ("Board").

23 2. On or about October 7, 1999, the Board issued vocational nurse license  
24 number VN 189541 to Jane Ann Worrell ("Respondent"). The license was in full force and  
25 effect at all times relevant to the charges brought herein and will expire on January 31, 2003,  
26 unless renewed.

27 ///

28 ///



## STATUTORY PROVISIONS

3. Section 2875 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

4. Section 2878(a) of the Code states, in pertinent part, that the Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, § 2840, et seq.)) for unprofessional conduct.

5. Section 2878.5 of the Code states:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or administer to another, any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Article 8 (commencing with Section 4210) of Chapter 9 of Division 2 of this code.

(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to narcotics or dangerous drugs as specified in subdivision (b)."

6. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

### 7. "DRUGS"

a. "Cocaine" is a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(6).

b. "Vicodin" is a compound consisting of 5 mg. hydrocodone bitartrate also known as dihydrocodeinone, a Schedule III controlled substance as designed by Health and Safety Code section 11056(e)(4), and 500 mg. acetaminophen per tablet.

8. Section 11032 of the Health and Safety Code provides, in pertinent part, that the term "narcotics" means controlled substances classified in Schedule I or II as defined in section 11054 or 11055 of that code.

9. Section 11032 of the Health and Safety Code provides, in pertinent part, that the term "restricted dangerous drugs" means controlled substances classified in Schedules III and IV as defined in sections 11056 and 11057 of that code.

#### FIRST CAUSE FOR DISCIPLINE

(Possessed and Self-Administered a Controlled Substance)

10. Respondent is subject to disciplinary action under Code section 2878(a) on the grounds of unprofessional conduct as defined by Code section 2878.5(a) in that on or about March 14, 2001, while a licensed vocational nurse, she did the following:

a. Possessed Cocaine, a controlled substance, in violation of Code section 4060.

b. Self-administered Cocaine, a controlled substance, without lawful direction from a licensed physician and surgeon, dentist or podiatrist.

#### SECOND CAUSE FOR DISCIPLINE

(Inconsistent Entries in Hospital or Patient Records)

11. Respondent is subject to disciplinary action under Code section 2878(a) on the grounds of unprofessional conduct as defined in section 2878.5(e) of the Code in that she falsified, or made grossly incorrect, grossly inconsistent, or unintelligible entries in hospital or patient records in the following respects:

##### Wellington Place

##### Patient P.A.

a. On or about August 3, 2000, at 23:45, on the Antibiotic/Controlled Substance Administration Record, she signed out two (2) tablets of Vicodin for administration to

1 patient P.A., but inconsistently charted on the patient's Medication Administration Record as  
2 having administered the medication at 11:30.

3 b. On or about August 4, 2000, at 24:00, on the Antibiotic/Controlled  
4 Substance Administration Record, she signed out two (2) tablets of Vicodin for administration to  
5 patient P.A., but inconsistently charted on the patient's Medication Administration Record as  
6 having administered the medication at 11:30.

7 c. On or about August 5, 2000, at 24:00, on the Antibiotic/Controlled  
8 Substance Administration Record, she signed out two (2) tablets of Vicodin for administration to  
9 patient P.A., but failed to chart the administration on the patient's Medication Administration  
10 Record, and failed to note any wastage of the medication.

11 d. On or about August 6, 2000, at 02:00, she charted the administration of  
12 two (2) Vicodin tablets to patient P.A. on the patient's Medication Administration Record, but  
13 failed to sign out the medication on the Antibiotic/Controlled Substance Administration Record.

14 e. On or about August 8, 2000, at 24:00, on the Antibiotic/Controlled  
15 Substance Administration Record, she signed out two (2) tablets of Vicodin for administration to  
16 patient P.A., but failed to chart the administration on the patient's Medication Administration  
17 Record, and failed to note any wastage of the medication.

18 f. On or about August 9, 2000, at 24:00, on the Antibiotic/Controlled  
19 Substance Administration Record, she signed out one (1) tablet of Vicodin for administration to  
20 patient P.A., but inconsistently and incorrectly charted on the patient's Medication  
21 Administration Record as having administered two (2) tablets at 23:50.

22 g. On or about August 10, 2000, at 24:00, on the Antibiotic/Controlled  
23 Substance Administration Record, she signed out one (1) tablet of Vicodin for administration to  
24 patient P.A., but incorrectly charted on the patient's Medication Administration Record as having  
25 administered two (2) tablets.

26 h. On or about August 14, 2000, at 02:00, on the Antibiotic/Controlled  
27 Substance Administration Record, she signed out two (2) tablets of Vicodin for administration to  
28 ///

1 patient P.A., but failed to chart the time of administration on the patient's Medication  
2 Administration Record.

3 i. On or about August 15, 2000, at 24:00, on the Antibiotic/Controlled  
4 Substance Administration Record, she signed out two (2) tablets of Vicodin for administration to  
5 patient P.A., but failed to chart the time of administration on the patient's Medication  
6 Administration Record.

7 j. On or about August 16, 2000, at 24:00, on the Antibiotic/Controlled  
8 Substance Administration Record, she signed out two (2) tablets of Vicodin for administration to  
9 patient P.A., but failed to chart the time of administration on the patient's Medication  
10 Administration Record.

11 k. On or about August 17, 2000, at 24:00, on the Antibiotic/Controlled  
12 Substance Administration Record, she signed out two (2) tablets of Vicodin for administration to  
13 patient P.A., but failed to chart the time of administration on the patient's Medication  
14 Administration Record.

15 l. On or about August 18, 2000, at 24:00, on the Antibiotic/Controlled  
16 Substance Administration Record, she signed out one (1) tablet of Vicodin for administration to  
17 patient P.A., but inconsistently charted on the patient's Medication Administration Record as  
18 having administered two (2) tablets. Also, no time was charted on the Medication  
19 Administration Record.

20 m. On or about August 19, 2000, at 24:00, on the Antibiotic/Controlled  
21 Substance Administration Record, she signed out two (2) tablets of Vicodin for administration to  
22 patient P.A., but failed to chart the time of administration on the patient's Medication  
23 Administration Record.

24 Patient M.L.

25 n. On or about August 18, 2000, at 01:00, on the Antibiotic/Controlled  
26 Substance Administration Record, she signed out two (2) tablets of Vicodin for administration to  
27 patient M.L., but failed to chart the administration on the patient's Medication Administration  
28 Record, and failed to note any wastage of the medication.

1           o.       On or about August 19, 2000, at 01:30, on the Antibiotic/Controlled  
2 Substance Administration Record, she signed out two (2) tablets of Vicodin for administration to  
3 patient M.L., but failed to chart the administration on the patient's Medication Administration  
4 Record, and failed to note any wastage of the medication.

5                               NeighborCare

6                       Patient D.C.

7           p.       On or about May 14, 2000, at 08:00 a.m., on the Controlled Drug Count  
8 Sheet, she signed out one (1) tablet of Vicodin for administration to patient D.C., but failed to  
9 chart the administration on the patient's Medication Administration Record, and failed to note  
10 any wastage of the medication.

11           q.       On or about May 14, 2000, at 11:00 a.m., on the Controlled Drug Count  
12 Sheet, she signed out one (1) tablet of Vicodin for administration to patient D.C., but failed to  
13 chart the administration on the patient's Medication Administration Record, and failed to note  
14 any wastage of the medication.

15           r.       On or about May 14, 2000, at 2:00 p.m., on the Controlled Drug Count  
16 Sheet, she signed out one (1) tablet of Vicodin for administration to patient D.C., but failed to  
17 chart the administration on the patient's Medication Administration Record, and failed to note  
18 any wastage of the medication.

19                               PRAYER

20               WHEREFORE, Complainant requests that a hearing be held on the matters herein  
21 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric  
22 Technicians issue a decision:

23               1.       Revoking or suspending vocational nurse license number VN 189541,  
24 issued to Jane Ann Worrell;

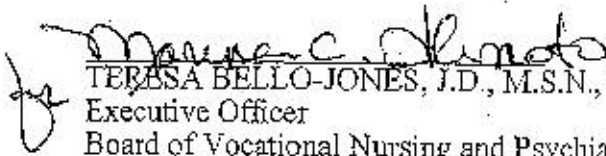
25               2.       Ordering Jane Ann Worrell to pay the Board the reasonable costs of the  
26 investigation and enforcement of this case, pursuant to Code section 125.3; and

27       ///

28       ///

3. Taking such other and further action as deemed necessary and proper.

DATED: September 19, 2003

  
TERESSA BELLO-JONES, J.D., M.S.N., R.N.  
Executive Officer  
Board of Vocational Nursing and Psychiatric  
Technicians  
Department of Consumer Affairs  
State of California  
Complainant

SD01AD0609

Accusation; 2/19/02 (kdg)

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